

Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 AF-10 EA-11 EUR-25 NEA-14 RSC-01

IO-14 CG-00 DOTE-00 CIAE-00 DODE-00 PM-07 H-03 INR-11

L-03 NSAE-00 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15

AID-20 CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04

SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20 FMC-04 INT-08

JUSE-00 OMB-01 CIEP-03 CEA-02 TRSE-00 OIC-04 DRC-01

(ISO)W

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R 261711Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5541

INFO USUN NEW YORK 793

C O N F I D E N T I A L SECTION TWO OF TWO CARACAS 8270

OF SUPPORTERS OF GROUP OF 77 PROPOSAL.

4. COMMITTEE II (TERRITORIAL SEA, STRAITS, ECONOMIC ZONE, HIGH SEAS, ETC.).

A. CHAIRMAN AGUILAR CONTINUES TO PRESS AHEAD WITH SECOND READING OF INFORMAL WORKING PAPERS EXPRESSING MAIN TRENDS IN ALTERNATIVE FORM ON ALL ISSUES BEFORE C-II. ON SOME OCCASIONS, COMMITTEE HAS IN FACT WORKED FASTER ON PAPERS THAN THEY HAVE BEEN PRODUCED, WHICH IS A CLEAR SIGN OF SERIOUSNESS OF ATMOSPHERE. FORMAL PROPOSALS BEING MADE IN C-II ARE LARGELY FOR PURPOSE OF PROVIDING BASIS FOR INSERTION OF ALTERNATIVE TREND ON PARTICULAR ISSUE IN INFORMAL PAPERS.

B. U.S. MET INFORMALLY WITH COASTAL STATE GROUP ON FISHERIES, WITH SIGNS OF SOME POSITION MOVEMENT ON CONSERVATION AND FULL UTILIZATION OBLIGATIONS. HOWEVER, THERE APPEARS TO BE LDC
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RESISTANCE TO A FIRM OBLIGATION COUPLED WITH DISPUTE SETTLEMENT.

THE PARTICULAR UNDERLYING CONCERN IS A DESIRE TO HAVE THE RIGHT TO REQUIRE ASSISTANCE IN DEVELOPING COASTAL STATE FISHERIES AS A CONDITION OF ACCESS, AND A FEAR THAT DISPUTE SETTLEMENT MACHINERY

WILL IN FACT BECOME REGULATORY MECHANISM LIMITING COASTAL STATE FISHERIES MANAGEMENT DISCRETION.

C. U.S. WAS INVITED TO INFORMAL MEETING OF CONTINENTAL MARGIN STATES HOSTED BY AUSTRALIA THAT INCLUDED ARGENTINA, CANADA, NEW ZEALAND, AND THE U.K. MOST INTERESTING ASPECT WAS INDICATION OF NEW ZEALAND AND POSSIBLE CANADIAN SUPPORT FOR AND ARGENTINE WILLINGNESS TO CONSIDER, REVENUE-SHARING. AUSTRALIA AND U.K. MAINTAINED NEGATIVE ATTITUDE. U.S. STRONGLY OPPOSED DISCRIMINATION IN CONTRIBUTION FORMULA, BUT INDICATED FLEXIBILITY ON MEANS OF DISTRIBUTION THROUGH INTERNATIONAL AND REGIONAL DEVELOPMENT ORGANIZATION. ALL FELT OAU MEETINGS THIS WINTER WOULD BE CRITICAL INDICATION OF WHETHER JURISDICTION OVER MARGIN BEYOND 200 MILES COULD BE AGREED.

D. JURIDICAL EXPERT (EVENSEN) GROUP SPENT MOST OF TIME DISCUSSING AGUILAR IDEA OF PRODUCING A SINGLE CHAIRMAN'S TEXT ON C-II ISSUES. SOVIETS AND PERU STRONGLY OPPOSED. IT IS POSSIBLE PAPER MAY APPEAR AS AN OFFICIAL DELEGATION PROPOSAL. EVENSEN GROUP AGREED TO MEET IN NEW YORK BEGINNING OCT 28, AND HOPES TO ENSURE THE ACTIVE PARTICIPATION OF SOME AFRICAN AND LANDLOCKED STATES.

5. COMMITTEE III.

A. POLLUTION. U.S. CONTINUED INTENSIVE SERIES OF MEETINGS WITH GROUP OF 17 MARITIME STATES AND COMPLETED CONSIDERATION OF A FULL SET OF DRAFT ARTICLES ON STANDARDS, ENFORCEMENT, SOVEREIGN IMMUNITY, AND COMPULSORY DISPUTE SETTLEMENT. GROUP DOES NOT AGREE ON COMPLETE TEXT, WITH DISAGREEMENTS REFLECTED IN BRACKETS. MAJOR AREAS OF DISAGREEMENT WERE COASTAL STATE POLLUTION JURISDICTION IN TERRITORIAL SEA AND STRAITS, STATE ENFORCEMENT, AND COASTAL STATE ENFORCEMENT BEYOND THE TERRITORIAL SEA. SIGNIFICANT AREAS OF AGREEMENT INCLUDED MINIMUM INTERNATIONAL STANDARDS FOR CONTINENTAL SHELF ACTIVITIES (WITHOUT ISRA INSPECTION), ENFORCEMENT SAFEGUARDS (INCLUDING BONDING AND LIABILITY FOR

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UNREASONABLE ACTIONS), AND MILITARY EXEMPTION. GROUP REMAINS UNITED IN OPPOSITION TO GENERAL COASTAL STATE STANDARD-SETTING JURISDICTION OVER VESSELS IN A ZONE, ALTHOUGH NORWAY IS WAVERING PRIVATELY AND SWEDEN IS OPENLY PUSHING FOR COASTAL STATE DISCHARGE JURISDICTION IN SPECIAL AREAS. GROUP AGREED NOT TO DISTRIBUTE DRAFT ARTICLES AT THIS SESSION, EITHER FORMALLY OR INFORMALLY, BUT RATHER TO MAKE PRIVATE APPROACHES TO KEY LEADERS IN GROUP OF 77 IN ATTEMPT TO EXPLOIT APPARENT SPLIT IN 77 ON

COASTAL STATE STANDARDS OVER VESSELS. ESSENTIAL MESSAGE TO BE DELIVERED TO THESE LEADERS IS THAT MARITIME STATES ARE FIRMLY UNITED IN OPPOSITION TO COASTAL STATE STANDARDS BUT ARE PREPARED TO DISCUSS SERIOUSLY ENFORCEMENT ISSUES. GROUP OF 77 TEXT IS LIKELY TO BE VERY WEAK ON GENERAL OBLIGATIONS OF STATES TO PREVENT POLLUTION OF THE MARINE ENVIRONMENT.

B. SCIENTIFIC RESEARCH. CHAIRMAN METTERNICH'S FOUR PILLARS TEXT, WHICH PUTS U.S.-DUTCH APPROACH IN MIDDLE, IS A POSITIVE DEVELOPMENT. HOWEVER, EXTREME GROUP OF 77 CONSENT TEXT PRESENTED BY COLOMBIA IS CLEAR INDICATION OF DIFFICULTIES WE FACE. NEVERTHELESS, SPECIFIC CONDITIONS OF RESEARCH ARE BEING ELABORATED, AND AS THIS CONTINUES THE STRENGTH OF ARGUMENTS AGAINST CONSENT, OR AT LEAST DISCRETIONARY CONSENT, MAY INCREASE.
STEVENSON

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